

JUDGE BRIANT

UNITED STATES DISTRICT COURT

Southern

District of

New York

New York SMSA Limited Partnership d/b/a
Verizon Wireless, et al.

SUMMONS IN A CIVIL ACTION

V.

Town of Clarkstown, New York and the Town
Board of the Town of Clarkstown, New York

CASE NUMBER:

07 CIV 7637

TO: (Name and address of Defendant)

Town Board of the Town of Clarkstown, New York
10 Maple Ave.
New City, New York 10956,
Tel: 845.639.2060
ATTN: Town Attorney, Amy Wagner Mele, Esq.

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

John E. Barry, Esq.
Andrew G. McBride, Esq.
Wiley Rein LLP, 1776 K St. NW
Washington, DC 20006

Gregory D. Meese, Esq.
PRICE, MEESE, SHULMAN
& D'ARMINIO, P.C.
50 Tice Boulevard
Woodcliff Lake, NJ 07677

Christopher B. Fisher, Esq.
CUDDY & FEDER LLP
445 Hamilton Avenue, 14th Floor
White Plains, New York 10601

Michael A. Lampert, Esq.
SAUL EWING, LLP
750 College Road East, Suite 100
Princeton, New Jersey 08540

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

AUG 28 2007

CLERK

DATE

(By) DEPUTY CLERK

RETURN OF SERVICE

* See Attachment A Service of the Summons and complaint was made by me ⁽¹⁾		DATE 9-7-07 @ 11:05 AM
NAME OF SERVER (PRINT) David Ksiazek		TITLE Private Process Server
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the defendant. Place where served: <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: <input type="checkbox"/> Returned unexecuted:		
<input checked="" type="checkbox"/> Other (specify): BY serving on Kim Mannino, Clerk Typist, authorized to accept. Service was completed at 10 Maple Avenue, New City, NY 10956		

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL \$0.00
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DECLARATION OF SERVER

State of New York
 I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

Date

Signature of Server

Capitol Process Services, Inc.
 1827 18th Street, NW
 Washington, DC 20009

Address of Server

JONATHAN T. RIPPS
 Notary Public, State of New York
 NO. 01RI6109718
 Qualified in Rockland County
 Certificate Filed in New York County
 Commission Expires May 17, 2008

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

ATTACHMENT A

Letter dated August 27, 2007

**Civil Cover Sheet, Rule 7.1 Corporate Disclosure Statement of New York SMSA
Limited Partnership d/b/a Verizon Wireless
Omnipoint Communications, Inc.'s F.R.C.P. Rule 7.1 Statement and Certification
Affidavit of John E. Barry in Support of Complaint for Declaratory and Injunctive
Relief with Exhibit A**

**Individual Practices of Judge Charles L. Brieant
Procedures for Electronic Case Filing
Individual Practices of Magistrate Judge George A. Yanthis
Consent to Proceed before a United States Magistrate Judge
Right to Proceed before a United States Magistrate Judge**

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

NEW YORK SMSA LIMITED
PARTNERSHIP d/b/a VERIZON
WIRELESS et al.

Plaintiffs,

v.

TOWN OF CLARKSTOWN, and
THE TOWN BOARD OF THE
TOWN OF CLARKSTOWN

Defendants.

Case No. 07-cv-7637 (CLB) (GAY)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing
was filed via the Court's electronic filing system on September 28, 2007 to the following
counsel of record:

Christopher B. Fisher, Esq. (CF 9494)
CUDDY & FEDER LLP
445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
Tel.: 914.761.1300
Fax: 914.761.5372

Attorneys for Plaintiff
New Cingular Wireless PCS, LLC

Gregory D. Meese, Esq. (GDM 8738)
**PRICE, MEESE, SHULMAN &
D'ARMINIO, P.C.**
50 Tice Boulevard
Woodcliff Lake, NJ 07677
Tel: 201.391.3737

Attorneys for Plaintiff
Sprint Spectrum L.P.

<p>Michael A. Lampert, Esq. (ML 1064) SAUL EWING, LLP 750 College Road East Suite 100 Princeton, New Jersey 08540-6617 Tel.: 609.452.3123 Fax: 609.452.3125</p> <p><i>Attorneys for Plaintiff Omnipoint Communications, Inc.</i></p>	<p>Edward M. Ross, Esq. ROSENBERG CALICA & BIRNEY LLP 100 Garden City Plaza Garden City, New York 11530 Tel.: 516.747.7400 Fax: 516.747.7480</p> <p><i>Attorney for Defendants Town of Clarkstown and Town Board of the Town of Clarkstown</i></p>
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The undersigned further certifies that a true and accurate copy of the foregoing was sent via overnight UPS to the following:

<p>Edward M. Ross, Esq. ROSENBERG CALICA & BIRNEY LLP 100 Garden City Plaza Garden City, New York 11530 Tel.: 516.747.7400 Fax: 516.747.7480</p> <p><i>Attorney for Defendants Town of Clarkstown and Town Board of the Town of Clarkstown</i></p>

/s/

Andrew G. McBride